

January 8, 2020

# MEMO ENDORSED

VIA ECF

Hon. Katharine H. Parker, U.S.M.J.  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 750  
New York, NY 10007

Re: Antoinette Burke v. CVS Albany, LLC  
Case No. 1:19-cv-08813-ALC-KHP

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Dear Judge Parker:

This firm represents defendant CVS Albany, LLC in the above referenced matter. I write to request that the February 3, 2020 initial case management conference be adjourned and that this matter be scheduled for mediation under the Court's Mediation Program.

In checking the docket, it appears that this matter was previously assigned, pursuant to Local Civil Rule 83.9, to the Court's Mediation Program by Order dated September 30, 2019 (Dkt. #6), prior to this firm's entry of an appearance. It does not appear from the docket that plaintiff objected to this referral, but it also does not appear that *pro bono* counsel has entered an appearance or that any of the Mediation Program procedures have been implemented. This matter was actually the subject of an agreed-upon settlement in the EEOC, but plaintiff opted not to sign the settlement agreement and instead filed the within action. However, based on the previous progress made in the EEOC mediation, we believe this case would benefit from mediation under this Court's Mediation Program, without the necessity of proceeding with a case management conference.

For the foregoing reasons, defendant respectfully requests that the February 3, 2020 initial case management conference be adjourned until such time that a mediation can be completed under Local Civil Rule 83.9.

Respectfully submitted,

RICHARD M. DEAGAZIO

Enclosure

cc: Ms. Antoinette Burke (via ECF, see Dkt. #3)

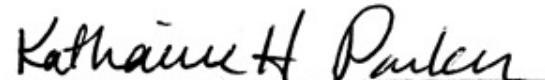
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**APPLICATION GRANTED:** The Initial Case Management Conference in this matter that is scheduled for Monday, February 3, 2020 at 11:00 a.m. in Courtroom 17D, 500 Pearl Street, New York, NY 10007 is hereby rescheduled to Monday, April 6, 2020 at 10:00 a.m.

It is hereby **ORDERED** that this case is referred for mediation to the Court-annexed Mediation Program. The parties are hereby notified that Local Civil Rule 83.9 shall govern the mediation and are directed to participate in the mediation in good faith. The mediation will have no effect upon any scheduling Order issued by this Court without leave of this Court.

It is further **ORDERED** that, upon the conclusion of mediation, the parties shall file a letter on ECF informing the Court as to whether this case was resolved.

**APPLICATION GRANTED**



**Hon. Katharine H. Parker, U.S.M.J.**

01/10/2020